

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS**

**Call to Order:** Chairman Joe Balyeat, on February 9, 2009 at 9 A.M., in Room 422 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Joe Balyeat, Chairman (R)  
Sen. Verdell Jackson, Vice Chairman (R)  
Sen. Roy Brown (R)  
Sen. Jim Keane (D)  
Sen. Carolyn Squires (D)  
Sen. Donald J. Steinbeisser (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Gregory D. Barkus (R)  
Sen. Jim Peterson (R)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None.

**Staff Present:** Linda Keim, Committee Secretary  
Pat Murdo, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 287, 2/2/2009

Executive Action: SJ 10, SB 269, SB 308, SB 295

**EXECUTIVE ACTION ON SJ 10**

00:01:39 **Motion:** Sen. Tropila moved **SJ 10 DO PASS.**

**Discussion**

00:02:05 Pat Murdo

00:02:52 **Motion:** Sen. Tropila moved **TO AMEND SJ 10.**  
**EXHIBIT**(bus30a01)

**Discussion:**

00:03:00 Sen. Brown

00:03:30 **Vote:** Motion carried unanimously 8-0 by voice vote by those present in the room.

00:03:42 **Motion:** Sen. Brown moved **SJ 10 DO PASS AS AMENDED.**

**Discussion:**

00:04:05 Sen. Steinbeisser

00:04:40 **Vote:** Motion carried 10-1 by voice vote. Sen. Steinbeisser voted no. Sen. Windy Boy, Sen. Peterson, and Sen. Barkus voted by proxy.

**EXECUTIVE ACTION ON SB 192**

00:05:51 **Motion:** Sen. Squires moved **SB 192 DO PASS.**

**Discussion:**

00:06:03 Pat Murdo

00:06:45 Sen. Squires withdrew the motion.

**EXECUTIVE ACTION ON SB 269**

00:07:45 Sen. Brown moved **SB 269 DO PASS.**

00:08:13 Sen. Brown moved **TO AMEND SB 269.**  
**EXHIBIT**(bus30a02)

00:08:30 Sen. Barkus arrived.

**Discussion:**

00:08:35 Sen. Brown  
00:08:41 Pat Murdo  
00:11:57 Sen. Squires  
00:12:18 Pat Murdo  
00:12:54 Sen. Squires  
00:13:09 Chairman Balyeat  
00:13:33 Sen. Brown  
00:13:39 Sen. Barkus  
00:14:10 Pat Murdo  
00:16:23 Sen. Brown  
00:17:04 Pat Murdo  
00:17:31 Sen. Barkus

00:18:10 **Vote:** Motion carried unanimously, 11-0. Sen. Windy Boy and Sen. Peterson voted by proxy.

00:18:31 **Motion/Vote:** Sen. Brown moved **SB 269 DO PASS AS AMENDED**. Motion carried unanimously 11-0 by voice vote. Sen. Windy Boy and Sen. Peterson voted by proxy.

**EXECUTIVE ACTION ON SB 295**

00:19:14 **Motion:** Sen. Keane moved **SB 295 DO PASS**.

**Discussion:**

00:20:09 Chairman Balyeat

00:20:28 **Motion:** Chairman Balyeat moved **TO AMEND SB 295**.  
[EXHIBIT \(bus30a03\)](#)

**Discussion:**

00:21:55 Pat Murdo

00:22:24 **Vote:** Motion carried unanimously 11-0 by voice vote. Sen. Peterson and Sen. Windy Boy voted by proxy.

00:22:52 Sen. Keane moved **SB 295 DO PASS AS AMENDED**.

**Discussion:**

00:23:34 Sen. Keane  
00:24:40 Sen. Barkus  
00:25:53 Chairman Balyeat  
00:26:29 Sen. Keane  
00:26:56 Chairman Balyeat  
00:27:43 Sen. Keane

00:27:47 Chairman Balyeat  
00:27:54 Sen. Keane  
00:28:08 Pat Murdo  
00:28:28 Chairman Balyeat  
00:29:18 Sen. Tropila  
00:29:35 Pat Murdo  
00:29:54 Sen. Tropila  
00:30:08 Chairman Balyeat

00:30:13 **Vote:** Motion failed 5-6 by roll call vote. Sen. Keane, Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted aye. Sen. Peterson and Sen. Windy Boy voted by proxy.

**Discussion:**

00:32:51 Sen. Tropila  
00:32:59 Pat Murdo  
00:33:03 Sen. Keane  
00:33:43 Chairman Balyeat

00:33:50 **Motion/Vote:** Sen. Brown moved **TO TABLE SB 295 AS AMENDED.** Motion carried 7-4 by roll call vote. Sen. Keane, Sen. Squires, Sen. Stewart-Peregoy and Sen. Windy Boy voted no. Sen. Peterson and Sen. Windy Boy voted by proxy.

**EXECUTIVE ACTION ON SB 308**

00:35:48 Sen. Keane moved **SB 308 DO PASS.**

**Discussion:**

00:36:03 Sen. Keane  
00:36:43 Sen. Squires  
00:36:52 Chairman Balyeat  
00:39:50 Sen. Keane  
00:40:57 Chairman Balyeat  
00:42:40 Sen. Keane

00:43:25 **Vote:** Motion carried 9-2 by roll call vote. Sen. Steinbeisser and Sen. Balyeat voted no. Sen. Peterson and Sen. Windy Boy voted by proxy.

00:45:22 Recess  
00:56:36 Reconvene

Note: Rep. Windy Boy was present when meeting reconvened.  
Note: Vice Chairman Jackson took over as Chairman.

**HEARING ON SB 287**

**Opening Statement by Sponsor:**

00:56:54 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 287, Consumer health freedom and access act.

[EXHIBIT \(bus30a04\)](#)

[EXHIBIT \(bus30a05\)](#)

**Proponents' Testimony:**

01:08:46 Debra Kimmet, Legislative Liaison for Montana Health Freedom Coalition

01:17:17 Linda Peterson, self, Polson

01:21:20 Robin Klein, Adjunct Instructor, Department of Plant Sciences, Montana State University (MSU)

01:22:20 Jena Silva, speaking for Jeannette Cheney, Wellness Education Center

[EXHIBIT \(bus30a06\)](#)

01:27:50 Kristen Hill, herbalist, Bozeman

01:28:31 Bill Hunger, massage therapist, Kalispell

01:30:32 Linda Oyama, self

01:31:43 Ellen Bench, classical homeopath, Missoula

[EXHIBIT \(bus30a07\)](#)

01:36:44 Bonnie Mickelson, Reflexologist, Columbia Falls

01:38:04 Robert W. Personette, massage and reflexology

01:39:28 Juliette Bouma, Stevensville

01:40:42 Jennifer Daly, Chinese medicine practitioner

01:41:42 Sen. Jonathan Windy Boy, SD 16, Box Elder

01:42:53 Linda Fahl, massage therapist, Helena

01:43:22 Ashley Finch, self

**Opponents' Testimony:**

01:44:20 Nancy Aagenes, naturopathic physician and acupuncturist, member of Alternative Health Care Board

[EXHIBIT \(bus30a08\)](#)

01:49:32 Pat Bollinger, nutritionist, representing Montana Board of Medical Examiners (MBME)

[EXHIBIT \(bus30a09\)](#)

01:51:25 Scott Hansing, Montana Board of Chiropractors

01:52:40 Dr. Dean Center, family doctor

01:56:35 Dianne Allen, Licensed Physical Therapist in Home Health, Montana Physical Therapy Association

[EXHIBIT \(bus30a10\)](#)

02:00:45 Linda Lemire, massage therapist  
02:03:02 Erin MacLean, Montana Medical Association (MMA)  
02:07:34 Jane Hamman, Montana Association of Acupuncture and  
Oriental Medicine (MAAOM)  
02:09:05 Joanna Doub, naturopathic physician and traditional  
Chinese medicine practitioner  
02:10:22 Cathleen Kuras, massage therapist  
02:11:37 Wade Sikorski, self  
02:12:08 Nicole Methot, massage therapist, Associated Body  
Massage Therapists (ABMT), Missoula

**Informational Testimony:**

02:13:51 Gene Allison, Deputy Chief Counsel, Business Standards  
Division, Department of Labor (DOLI)

**Questions from Committee Members and Responses:**

02:14:37 Sen. Brown  
02:15:02 Debra Kimmet  
02:18:41 Sen. Brown  
02:19:14 Pat Bollinger  
02:19:48 Sen. Brown  
02:19:52 Jane Branscum, Executive Director, MBME  
02:20:50 Sen. Barkus  
02:21:05 Nancy Aagenes  
02:21:39 Sen. Barkus  
02:23:09 Dr. Center  
02:23:21 Sen. Barkus  
02:23:45 Joanna Doub  
02:26:10 Sen. Barkus  
02:26:31 Debra Kimmet  
02:28:00 Sen. Windy Boy  
02:28:40 Ellen Bench  
02:30:23 Sen. Windy Boy  
02:30:54 Sen. Balyeat  
02:34:21 Sen. Windy Boy  
02:35:23 Debra Kimmet  
02:37:01 Sen. Keane  
02:37:14 Ellen Bench  
02:37:33 Sen. Keane  
02:37:39 Debra Kimmet  
02:38:32 Sen. Keane  
02:39:22 Erin MacLean

**Closing by Sponsor:**

02:40:36 Sen. Balyeat  
02:53:54 Sen. Jackson

**ADJOURNMENT**

Adjournment: 12:02 P.M.

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Linda Keim, Secretary

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**EXHIBIT (bus30a11)** Pertains to SB 287 in answer to a committee request for information from Deborah Kimmet.

**EXHIBIT (bus30a12)** Pertains to SB 287 received after the hearing.

Additional Documents:

**EXHIBIT (bus30aad.pdf)**